

In the United States Patent and Trademark Office

Applicants: Matthieu Guitton

App. Ser. No.: 10/812,298

Filing Date: March 29, 2004

For: METHODS FOR THE TREATMENT
OF TINNITUS INDUCED BY COCHLEAR
EXCITOTOXICITY

Confirmation No.: 1803

Examiner: Jennifer M. Kim

Art Unit: 1628

Attorney Docket No.: 067802-3000-001

SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 C.F.R. § 1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(f): "...If a *bona fide* attempt is made to comply with § 1.98, but part of the required content is inadvertently omitted, additional time may be given to enable full compliance." [emphasis in original]

Applicants respectfully assert that the Documents listed on the attached PTO/SB/08 were submitted for the Examiner's consideration in the Information Disclosure Statement filed January 7, 2010. However, the PTO did not consider them because they were listed without a date. As such, Applicants made a previous *bona fide* attempt to disclose the references.

Applicants thank Examiner Kim for taking the time to speak with the undersigned on today's date and her willingness to provide extra time to facilitate full compliance and consider this Information Disclosure Statement and the references cited herein.

RELEVANCE OF EACH DOCUMENT

Documents A1 and A2 are listed on the attached PTO/SB/08 are in English and are excerpts from the prosecution histories of related European Patent Applications EP09005167 and EP05797324

Inasmuch as Applicant has endeavored to provide at least one item that complies with the requirement for a "concise explanation of relevance" for each of the non-English language documents, each of these documents has been submitted in compliance with the PTO requirements and should be considered by the Examiner (37 CFR §1.97, §1.98 and MPEP §609).

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

It is believed no fees are due; however, the commissioner is authorized to charge any fees which may be due to Deposit Account No. 50-5071.

Respectfully submitted,

Date: June 10, 2010

/Thomas Haag/
By: Thomas Haag
Registration No. 47,621

Fanelli, Strain & Haag PLLC
Customer No. 91436
1455 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20004
Telephone: 202.621.1840
Facsimile: 202.621.1844